

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE
N/S Joppa Rd., 270 ft. E of c/l * ZONING COMMISSIONER
of Danway Road
1524 E. Joppa Road * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic * Case No. 95-172-SPHA
Botzler-Emory Joppa Ltd. *
Partnership, Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at 1524 E. Joppa Road in Towson. The Petition is filed by Botzler-Emory Joppa Ltd. Partnership, property owner. Special Hearing relief is requested to approve the legal nonconforming status of the retail sales area in an M.L.R. zone, originally approved as being in a B.R. zone. Numerous variances are also requested. They include (1) a variance from Section 250.2 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard of 20 ft., in lieu of 30 ft.; (2) a variance from Section 250.1 and/or 250.2 to permit a front and/or side yard of 23 ft. in lieu of 40 ft., and/or a 30 ft.; (3) a variance from Section 301.1.A to permit a one story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard; (4) a variance from Section 238.2 to permit a distance of 35 ft. between buildings in lieu of 60 ft.; and (5) a variance from Section 409.6.A.2 to permit 156 parking spaces in lieu of 315. The subject property and requested relief are more particularly shown on the site plan, submitted and received as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Davis Emory, on behalf of the Botzler-Emory Joppa Ltd. Partnership. Also appearing was James Kline, from G.W. Stephens and Associates, the land use consultant who prepared the site plan. The Petitioner was represented at the hearing by

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NOT RECORDED FOR FILING

12/9/90
M. H. H. H.

William L. Balfour, Esquire. There were no Protestants or other interested persons present.

This most unusual case relates to the subject property known as 1524 E. Joppa Road in Towson. The site is located within a business/commercial stretch of Joppa Road, not far from Loch Raven Boulevard. The Orchard Inn, a long established Towson restaurant, is located immediately next door.

The subject site is a triangularly shaped parcel which has narrow frontage on Joppa Road but significantly widens towards the rear. The property is 4.305 acres in area, and is split zoned. It is this split zoning which has necessitated the special hearing relief that has been requested. Predominantly, the site is zoned B.R. and B.R.-C.N.S. However, a small strip, which ranges to a width of 20 to 30 ft. on the west side of the property is zoned O-1 and M.L.R.

The property is improved with a one story masonry building and a large parking area. There is also an outdoor storage and sales area, and a portable frame greenhouse on the site. The property is the home of a Frank's Nursery and Craft Store which has been at this location for many years. That business specializes in the sale of garden and yard products and related items. In fact, the portable frame greenhouse and outdoor storage and sales area utilized for shrubs, plants and related items. Approximately 1/2 of the 40,390 sq. ft. masonry building is also used by the Frank's business. The remaining portion of the building is sub-leased to two tenants. One of the tenants is Duron Paints which operates a small paint store from this location. The other portion of the building was most recently a furniture store but is now vacant. Mr. Emory indicated that Frank's has sublet these portions of the building to the paint store and furniture store.

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6/29/96
Mr. G. G. G. G.

There is no new construction or improvements to the property proposed other than a striping of the parking area. The matter comes before the Zoning Commissioner to legitimize existing conditions. Apparently, during the renegotiation of the lease to Franks and a recent financing of the property, the necessity for the requested relief came to light.

As to the special hearing request, the same relates to the narrow strip on the east side of the property which is zoned M.L.R and O-1. Mr. Kline testified and presented evidence (Petitioner's Exhibits Nos. 2 and 3) which show that at one time the zoning classification for the subject property was entirely B.R. or B.R.-C.N.S. It was established from earlier record plats and site plans that at least as recently as 1982, the zoning line matched the property line for this tract. That is, the entire subject property was zoned B.R. or B.R.-C.N.S. and the immediate property to the west, owned by Leroy N. Merritt and used for warehouse and accessory retail sales uses, was zoned M.L.R. Apparently, during the Council's comprehensive rezoning process, in either 1988 or 1992, the zoning line was erroneously moved. This resulted in the above described strip which ranges to a width of 30 ft. That strip encompasses land upon which a corner of the subject building is constructed, as well as a portion of the storage and outdoor sales area. Although recognizing that the strip should be rezoned to B.R. and the drafting area corrected, the Petitioner advised that time constraints require that the special hearing relief be requested. The Petitioner's counsel specifically requests a finding that the existing use predates the relocation of the zoning line and has continued uninterruptedly since prior to the date that the line was erroneously relocated. Although it was not precisely clear when the line was adjusted, the exhibits offered by Mr. Kline show that the zoning line and property line matched in 1982 and quite possibly as recently as 1987. In that the Frank's business

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2/9/98
Mr. Frank

has been on site continuously and uninterruptedly since the mid 1970s, it is clear that the nonconforming use designation should be approved. That is, I will grant the Petitioner's relief and confer legal nonconforming status upon the retail sales area in the M.L.R. zoned portion of the tract.

As to the variances, they are clearly depicted on the site plan. The first variance relates to the side yard of the property on the west side. The relief requested here is also driven by the small M.L.R. strip and that corner of the building which extends therein. A 20 ft. side yard setback is maintained in lieu of the required 30 ft.

A second variance also relates to that corner and, in my view, should be granted to allow a front yard setback of 23 ft. in lieu of the required 30 ft. The Petitioner filed a variance requesting alternative relief here in that it is not clear whether that the variance is computed as a side yard or front yard setback from that location. However, in my view, irrespective of the usual configuration of the lot, the distance shown must be considered within the front line in that it contains that area of the property south of the front building line.

The third variance requests approval to permit a 100% projection for a covered canopy into the front yard in lieu of the required 25%.

The fourth variance relates to the distance between the masonry building and the portable frame greenhouse, 35 ft. in lieu of the required 60 ft.

I am persuaded that all of these area variances should be granted. It is again to be noted that these variances will legitimize an existing situation. No new building is proposed. The variances are clearly justified because of the unusual shape of the property and in some cases the erroneous relocation of the zoning line. The Petitioner would clearly suffer a practical difficulty if the variances were denied. Moreover, a grant of

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same is within the spirit and intent of the regulations and will not detrimentally affect the surrounding properties.

The final variance relates to parking on the site and the number of spaces. Presently, 156 parking spaces are provided in lieu of the required 315. It is to be noted that the number required by the regulations is higher than what might be expected due to the use of the outdoor sales area. Mr. Kline particularly noted that the parking requirements are driven by the square footage of the property utilized for retail uses. In this case, not only did Mr. Kline compute the square footage of the building, but also the temporary greenhouse and outdoor sales area. The combination of the temporary greenhouse and outdoor area increased the parking requirement by 100 spaces. That is, only 215 spaces would be required for the subject building if the outdoor area and greenhouse were not counted. Clearly, these features are unique to the nursery business.

Mr. Emory also noted that the property is leased by his partnership under a long term lease to Frank's Nursery and Crafts. Franks has the authority and has, in fact, exercised a provision of the lease to sublet a portion of the property. Mr. Emory noted that Franks will obviously not lease the property to any business which would adversely affect its own business. That is, the number of parking spaces provided have not been a problem to this point and Franks will not lease the area to a high traffic generator if it would overcrowd the property.

It is also to be noted that although no Protestants were at the hearing, correspondence was received from the Towson-Loch Raven Community Council. Dale Livingston, President of that organization, wrote to this Commissioner and acknowledged the unusual use of this property and circumstances. T.L.R.C.C. would prefer some language restricting the use of this property to this lessee but such a restriction would cause practical diffi-

culty and may impair the tenant and landlord's ability to obtain financing. For these reasons, and particularly since Frank's is under a long term lease and no additions to the building or expansion of the use is proposed, I decline to incorporate any restricting language. Therefore, the parking variance shall be granted in that there is no evidence that there exists an insufficient number of spaces or there is any parking overflow into the surrounding locale. Obviously, the site is of insufficient area to provide additional spaces.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of December 1994, that, pursuant to the Petition for Special Hearing, approval of the legal nonconforming status of the retail sales area in an M.L.R. zone, originally approved as being in a B.R. zone, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 250.2 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard of 20 ft., in lieu of 30 ft., be and is hereby GRANTED; and,


IT IS FURTHER ORDERED that a variance from Section 250.1 and/or 250.2 to permit a front and/or side yard of 23 ft. in lieu of 40 ft., and/or a 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 301.1.A to permit a one story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 238.2 to permit a distance of 35 ft. between buildings in lieu of 60 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 to permit 156 parking spaces in lieu of 315, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

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12/9/90
06/16/21
By: [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 8, 1994

William L. Balfour, Esquire
Ober, Kaler, Grimes and Shriver
120 E. Baltimore Street
Baltimore, Maryland 21202-1643

RE: Petitions for Special Hearing and Variance
Case No. 95-172-SPHA
Boltzler-Emory Jopopa Ltd. Partnership, Petitioner

Dear Mr. Balfour:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Davis C. Emory
7250 Parkway Drive, Suite 130
Hanover, Md. 21076

cc: Towson-Loch Raven Community Council





Petition for Special Hearing

95-172-SPHA
to the Zoning Commissioner of Baltimore County

for the property located at 1524 E. Joppa Road, Towson, Maryland

which is presently zoned BR, 0-1 and MLR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the legal non-conforming status of the retail sales area in the M.L.R. zone originally approved as being in a B.R. zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

William L. Balfour

(Type or Print Name)

Signature

Ober, Kaler, Grimes & Shriver

120 E. Baltimore Street

Address Phone No.

Baltimore, MD 21202-1643

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Botzler-Emory Joppa Limited Partnership

(Type or Print Name)

By: Emory Holdings Limited Partnership

Signature

By: R. Clayton Emory
(Type or Print Name) R. Clayton Emory

Signature

7250 Parkway Drive - Suite 130

Address

Phone No.

Hanover, Maryland 21076

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William L. Balfour

Ober, Kaler, Grimes & Shriver

Name 120 E. Baltimore Street

Baltimore, MD 21202-1643 (410) 347-7327

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: SPA DATE 11-1-94

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166



Petition for Variance

75-172-SAAA

to the Zoning Commissioner of Baltimore County

for the property located at 1524 E. Joppa Road, Towson, Maryland

which is presently zoned BR, O-1 and MLR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 250.2, to permit a side yard of 20' in lieu of 30'; 250.1 and/or 250.2 to permit a front and/or side yard of 23' in lieu of 40' and/or 30'; 301.1A to permit a one story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard; 238.2 to permit a distance of 35' between buildings in lieu of 60'; and 409.6A.2 to permit 156 parking spaces in lieu of 315.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Property has been used for a retail and garden center for many years without detriment to the public safety and welfare or to any neighboring property owners. Strict compliance with the above sections would prevent the use of the property in the manner which it has been used for a permitted use and would be a substantial injustice to applicant.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

William L. Balfour

(Type or Print Name)

Signature

Ober, Kaler, Grimes & Shriver
120 E. Baltimore Street

Address

Phone No.

Baltimore, MD 21202-1643

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Botzler-Emory Joppa Limited Partnership
(Type or Print Name)

By: Emory Holdings Limited Partnership

Signature

By:

(Type or Print Name) R. Clayton Emory

Signature

7250 Parkway Drive - Suite 130

Address

Phone No.

Hanover, Maryland 21076

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William L. Balfour

Ober, Kaler, Grimes & Shriver

Name

120 E. Baltimore Street

Baltimore, MD 21202-1643 (410) 347-7327

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: SAA

DATE

11-1-94

166-2

95-172-SQAA

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany
Zoning Petitions.

October 17, 1994

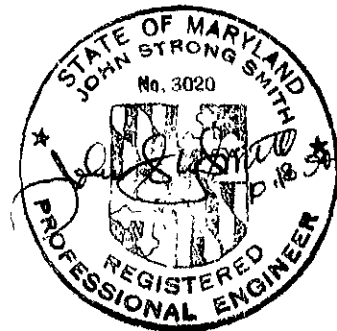
RE: 1524 East Joppa Road

Beginning at a point located North 74° East± 270 feet more or less from the point of intersection of the center lines of Joppa Road and Danway Road thence in a clockwise direction:

- 1 - North 46° 05' 40'' West 587.29 feet
- 2 - North 81° 33' 25'' East 582.81 feet
- 3 - South 08° 26' 35'' East 230.00 feet
- 4 - South 08° 26' 25'' East 233.61 feet and
- 5 - South 81° 12' 35'' West 224.06 feet to the place of beginning.

Containing 4.305 acres of land more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE USED IN CONVEYANCES OR AGREEMENTS.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-172-SPHH

District: 9th

Date of Posting: 11/15/94

Posted for: Special Hearing & Variance

Petitioner: Botzler-Emory Zappa Limited Partnership

Location of property: 1524 E Zappa Rd, N/S

Location of Signs: Facing roadway, on property being zoned

Remarks: (No Pole used)

Posted by: M. Sholey
Signature

Date of return: 11/28/94

Number of Signs: 1

MICROFILMED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-172-SPHA
(Item 166)
1534 E. Joppa Road
N/S Joppa Road, 270' E of

of Danway Road
9th Election District
4th Councilmanic
Legal Owner(s):
Botzler-Emory Joppa
Limited Partnership
Hearing: Monday,
December 5, 1994 at
11:00 a.m. in Rm. 118, Old
Courthouse.

Special Hearing to approve the legal non-conforming status of the retail sales area in the M.L.R. zone originally approved as being in a B.R. zone. Variance to permit a side yard of 20 feet in lieu of 30 feet; to permit a front and/or side yard of 23 feet in lieu of 40 feet and/or 30 feet; to permit a one-story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard; to permit a distance of 35 feet between buildings in lieu of 60 feet; and to permit 166 parking spaces in lieu of 315.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please call 887-3301.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 18, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 17, 1994.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-172-SPTA

Account: R-001-6150

Number

166

SAD.

Date

11-1-94.

T3ETZ14-ENROLL/SEPPH.
LTD. PTNL-SH...

020 COMMERCIAL VAL.	250
040 SPECIAL HEARING	250
080 SIGN	35

TOTAL.

\$535

RECEIVED

01AD180183MICHRC

\$535.00

BA 0010#41AM11-01-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 166

Petitioner: Batzler - Emory Joppa Limited Partnership

Location: 1524 E. Joppa Rd., Towson, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William L. Ballou

ADDRESS: Ober, Kelen, Grimes & Shriver
120 E. Baltimore St.

Baltimore, MD 21202

PHONE NUMBER: 347-7327

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AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
November 17, 1994 Issue - Jeffersonian

Please forward billing to:

William L. Balfour, Esq.
120 E. Baltimore Street
Baltimore, Maryland 21202-1643
347-7327

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-172-SPHA (Item 166)
1524 E. Joppa Road
N/S Joppa Road, 270' E of c/l Danway Road
9th Election District - 4th Councilmanic
Legal Owner(s): Botzler-Emory Joppa Limited Partnership
HEARING: MONDAY, DECEMBER 5, 1994 at 11:00 a.m. in Rm 118, Courthouse.

Special Hearing to approve the legal non-conforming status of the retail sales area in the M.L.R. zone originally approved as being in a B.R. zone. Variance to permit a side yard of 20 feet in lieu of 30 feet; to permit a front and/or side yard of 23 feet in lieu of 40 feet and/or 30 feet; to permit a one-story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard; to permit a distance of 35 feet between buildings in lieu of 60 feet; and to permit 156 parking spaces in lieu of 315.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NOV 18 1994

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 10, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-172-SPHA (Item 166)
1524 E. Joppa Road
N/S Joppa Road, 270' E of c/l Danway Road
9th Election District - 4th Councilmanic
Legal Owner(s): Botzler-Emory Joppa Limited Partnership
HEARING: MONDAY, DECEMBER 5, 1994 at 11:00 a.m. in Rm 118, Courthouse.

Special Hearing to approve the legal non-conforming status of the retail sales area in the M.L.R. zone originally approved as being in a B.R. zone. Variance to permit a side yard of 20 feet in lieu of 30 feet; to permit a front and/or side yard of 23 feet in lieu of 40 feet and/or 30 feet; to permit a one-story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard; to permit a distance of 35 feet between buildings in lieu of 60 feet; and to permit 156 parking spaces in lieu of 315.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director

cc: Botzler-Emory Joppa Limited Partnership
William L. Balfour, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

11/10/94



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 29, 1994

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE
ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE
TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN
CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 95-172-SPHA (Item 166)
1524 E. Joppa Road - N/S Joppa Road, 270' E of c/l Danway Road
9th Election District - 4th Councilmanic
Legal Owner(s): Botzler-Emory Joppa Limited Partnership

Special Hearing to approve the legal non-conforming status of the retail sales area in the M.L.R. zone originally approved as being in a B.R. zone. Variance to permit a side yard of 20 feet in lieu of 30 feet; to permit a front and/or side yard of 23 feet in lieu of 40 feet and/or 30 feet; to permit a one-story open projection into a yard 100% in lieu of 25% of the minimum depth or width of the yard; to permit a distance of 35 feet between buildings in lieu of 60 feet; and to permit 156 parking spaces in lieu of 315.

HEARING: MONDAY, DECEMBER 5, 1994 at 3:00 p.m. in Rm 118, Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Botzler-Emory Joppa Limited Partnership
William L. Balfour, Esq.

AJ:ggs

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOV 17 1994

William L. Balfour
120 E. Baltimore Street
Baltimore, Maryland 21202-1643

RE: Item Number: 166
Case Number: 95-172 SPHA
Petitioner: Botzler-Emory Joppa Ltd.

Dear Mr. Balfour:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 1, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

NOV 17 1994

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: November 18, 1994

SUBJECT: Below listed cases

In reference to the following cases, staff offers no comment:

Item Nos. 161, (166), 172, 173, 175, 176, 177

If there should be any questions, please contact Jeffrey Long at 887-3480.

Prepared by:

Jeffrey M Long

Division Chief:

Carol L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 21, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for November 21, 1994
Items 164, 165, 166, and 167

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/16/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 14, 1994

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 164, 165, 166, 167, 168,
169 AND 171.

RECEIVED

NOV 17 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1105F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 11/21/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 11/14/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

164

166

167

169

170

171

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Ms. JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County

Item No.: +166 (JRA)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for ROBERTO BARNES,
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
1524 E. Joppa Road, N/S Joppa Road,	*	ZONING COMMISSIONER
270' E of c/l Danway Road, 9th		
Election Dist., 4th Councilmanic	*	OF BALTIMORE COUNTY
Botzler-Emory Joppa Ltd Partnership	*	CASE NO. 95-172-SPHA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to William L. Balfour, Esquire, Ober, Kaler, Grimes & Shriver, 120 E. Baltimore Street, Baltimore, MD 21202, attorney for Petitioner.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN



Towson - Loch Raven Community Council, Inc.

P.O. Box 27682

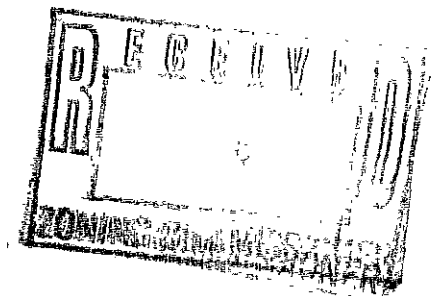
Towson, Maryland 21285-7682

November 30, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case #95-172-SPHA
Botzler-Emory Joppa Limited Partnership

Dear Mr. Schmidt:



The Towson-Loch Raven Community Council, Inc. (TLRCC), is an umbrella organization composed of 11 neighborhood associations and one community service group. We represent over 5,500 households in central Baltimore County.

The purpose of this letter is to comment on Botzler-Emory Joppa Limited Partnership's request to approve the legal non-conforming status in the retail sales area known as Frank's Nursery & Crafts.

On November 21 & 30, 1994, Wayne Skinner (TLRCC past president) spoke with William Balfour, the attorney for Botzler-Emory, regarding their zoning request. It was his understanding that the request was to merely straighten out the zoning on the property (for refinancing purposes), not a prelude to future development. With this understanding, TLRCC has decided not to take a position in regards to their request. However, we are concerned about the parking variance (315 spaces to 156) and we request that if the parking variance is approved, that the parking variance be subject only to Botzler-Emory, and not the succeeding owner of this site.

If you need to contact TLRCC further about this matter, I can be reached at (H) 821-0224 or you can contact Wayne Skinner at (H) 661-8249 or (W) 225-5759.

Thank you for your attention.

Sincerely,

Dale Livingston
Ms. Dale Livingston
President

TLRCC Memberships:

Cromwood, Coventry & Satyr Hill
Cromwell Valley
Fellowship Forest
Glendale-Glenmont
Hillendale
Hillendale Park
Knottishall

Loch Raven Kiwanis
Loch Raven Village
Northbrook
Pelhamwood
Ridgeleigh
Towson Estates

MICROFILMED

OBER, KÄLER, GRIMES & SHRIVER

Mr. Lawrence E. Schmidt
December 16, 1994
Page 2

copy of this letter and follow up with the city with the final
signature by mail.

Many thanks for your help

Sincerely,

Lawrence E. Schmidt

WLB/cjs

Agreed:

Lawrence E. Schmidt

Lawrence E. Schmidt
Zoning Commission
Baltimore County

Date:

12/21/94

WLB:335583.1:12/20/94

OBER, KALER, GRIMES & SHRIVER

ATTORNEYS AT LAW

120 EAST BALTIMORE STREET

BALTIMORE, MARYLAND 21202-1643

PHONE 835-1100

FAX 835-1100

CABLE: PITNEY

1-800-541-7774

WILLIAM L. BALFOUR

DIRECT DIAL NUMBER

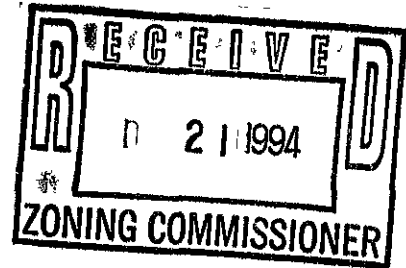
(410) 347-7317

OFFICES IN
WASHINGTON, D.C.
NEW YORK
NEW JERSEY

December 16, 1994

VIA FACSIMILE

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Baltimore County Zoning Office
Room 113
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Petitions for Special Hearing & Zoning Variance of
Botzler-Emery Joppa Limited Partnership
Case No. 29-1/2-SPHA

Dear Mr. Schmidt:

Your Order granting the relief prayed in the above Petitions contains, at the end the following sentence:

"If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition."

I understand that this language is standard and is a part of all Orders issued in matters involving variances because in most cases the variance is required to permit new construction. The purpose of the language is to put the Petitioner on notice that if anything is constructed pursuant to the relief granted, it will have to be removed if the Order is reversed on appeal. It is further my understanding that the language has no application to improvements existing on the property prior to the Order.

In order to satisfy the concerns of Botzler-Emery Joppa Limited Partnership's leader, I would appreciate it if you could sign and return a copy of this letter to indicate your agreement that I have correctly interpreted the meaning and effect of the above quoted language. As time is of the essence to my client in this matter, it would be most helpful if you would fax an executed

WLB:305583.1:12/20/94

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Post-it™ Fax Note 7671		Date 12/21/94	# of pages 2
To William L. Balfour	From Zoning Commissioner		
Co./Dept. Chen/Kalen, Thomas	Co. Balto Co. Court.		
Phone # 685-1120	Phone # 887-4386		
Fax # 547-0699	Fax # 887-3468		

12/21/94 10:00 AM RECEIVED 10/21/94 REPORT

MICROFILMED

OBER, KALER, GRIMES & SHRIVER

ATTORNEYS AT LAW
120 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202-1643
(410) 685-1120

FACSIMILE (410) 547-0888
CABLE "RITNEY"
TELEX 8-7774

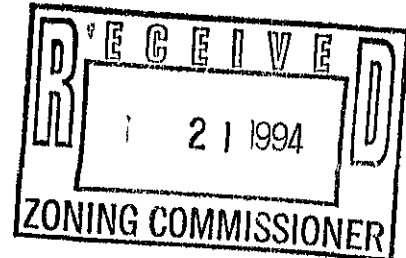
WILLIAM L. BALFOUR
DIRECT DIAL NUMBER
(410) 347-7327

OFFICES IN
WASHINGTON, D. C.
NEW YORK
NEW JERSEY

December 16, 1994

VIA FACSIMILE

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Baltimore County Zoning Office
Room 113
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Petitions for Special Hearing & Zoning Variance -
Botzler-Emory Joppa Limited Partnership
Case No. 95-172-SPHA

Dear Mr. Schmidt:

Your Order granting the relief prayed in the above Petitions contains, at the end the following sentence:

"If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition."

I understand that this language is standard and is a part of all Orders issued in matters involving variances because in most cases the variance is required to permit new construction. The purpose of the language is to put the Petitioner on notice that if anything is constructed pursuant to the relief granted, it will have to be removed if the Order is reversed on appeal. It is further my understanding that the language has no application to improvements existing on the property prior to the Order.

In order to satisfy the concerns of Botzler-Emory Joppa Limited Partnership's lender, I would appreciate it if you could sign and return a copy of this letter to indicate your agreement that I have correctly interpreted the meaning and effect of the above quoted language. As time is of the essence to my client in this matter, it would be most helpful if you would fax an executed

OBER, KÄLER, GRIMES & SHRIVER

Mr. Lawrence E. Schmidt
December 16, 1994
Page 2

copy of this letter to me and follow up with the copy with the live signature by mail.

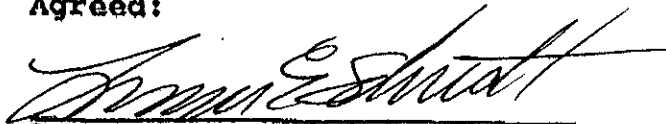
Many thanks for your help.

Sincerely,

William I. B.A.

WLB/cjs

Agreed:



Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

Date:

12/21/94



Towson-Lock Raven Community Council, Inc.
P.O. Box 27682
Towson, Maryland 21285-7682

Re: [illegible]
[illegible]
[illegible]
[illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]
[illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

Re: [illegible]

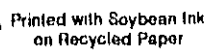
PETITIONER(S) SIGN-IN SHEET

ADDRESS

658 KENILWORTH DR. 2120A

7250 PARKWAY DR. HANOVER

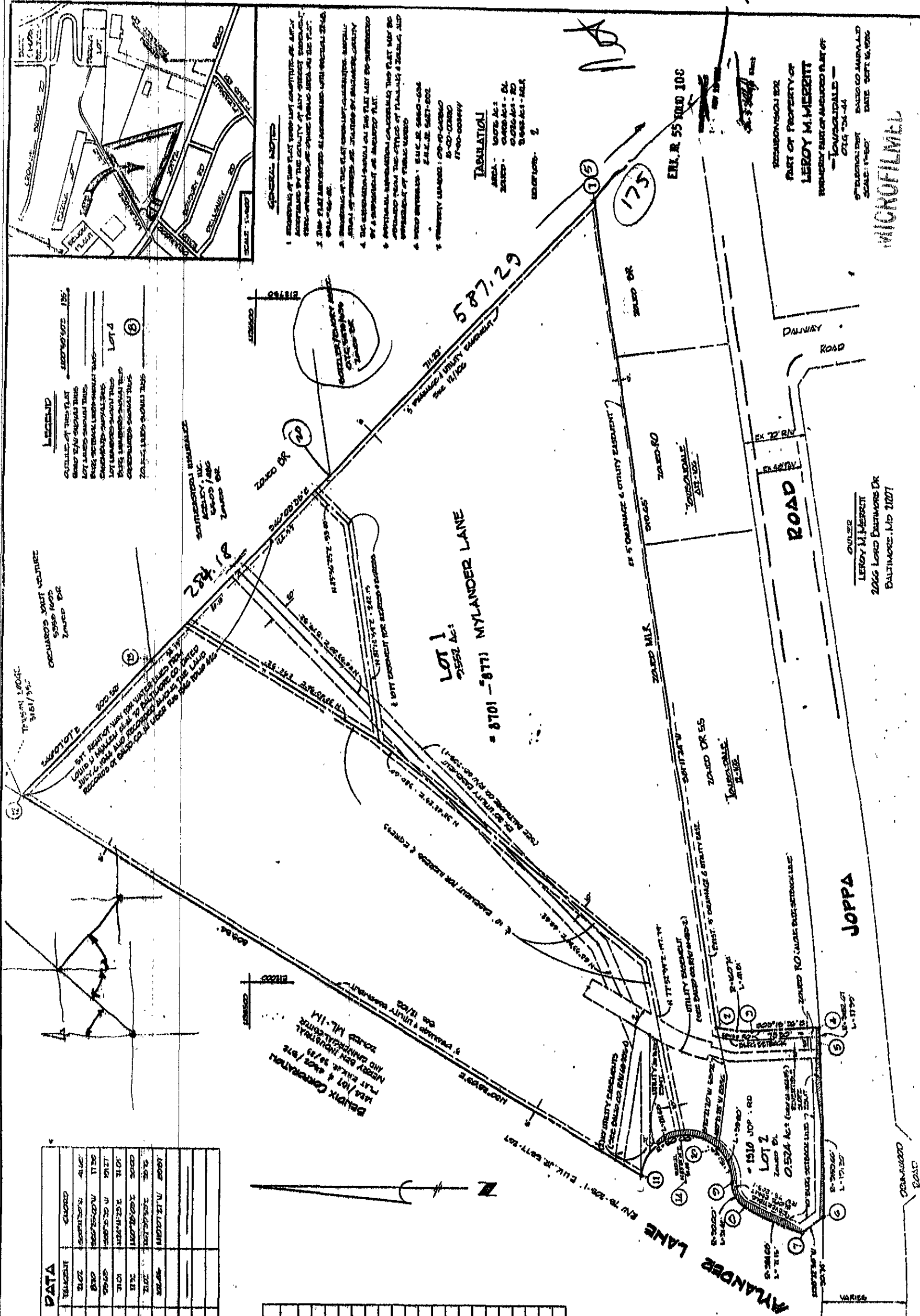
120 E. Baltimore St. Bal 4 24202



MICROFILMED

SAMPLING DATE	CURVE		DATA		
	READING	LENGTH	A	TARGET	CORRECT
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11-10	1100	9910	11.00.11	79.20	N. 12. L. 6.01
9-5	1000	1000	10.00.00	10.12	2.00.00.00.00
9-4	1000	1000	10.00.00	10.12	2.00.00.00.00
9-3	1000	1000	10.00.00	10.12	2.00.00.00.00
9-2	1000	1000	10.00.00	10.12	2.00.00.00.00
9-1	1000	1000	10.00.00	10.12	2.00.00.00.00

COORDINATE	SCHEDULE	Mo.	Month	East
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2	2000.00	2	2000.00	2000.00
3	2000.00	3	2000.00	2000.00
4	2000.00	4	2000.00	2000.00
5	2000.00	5	2000.00	2000.00
6	2000.00	6	2000.00	2000.00
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9	2000.00	9	2000.00	2000.00
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12	2000.00	12	2000.00	2000.00
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26	2000.00	26	2000.00	2000.00
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29	2000.00	29	2000.00	2000.00
30	2000.00	30	2000.00	2000.00
31	2000.00	31	2000.00	2000.00



NOTE:
 1. The following information is for informational purposes only and is not intended to be used for any other purpose.
 2. The information is not to be used for any other purpose.
 3. The information is not to be used for any other purpose.
 4. The information is not to be used for any other purpose.
 5. The information is not to be used for any other purpose.
 6. The information is not to be used for any other purpose.
 7. The information is not to be used for any other purpose.
 8. The information is not to be used for any other purpose.
 9. The information is not to be used for any other purpose.
 10. The information is not to be used for any other purpose.

NOTE:

OWNERS CERTIFICATE:

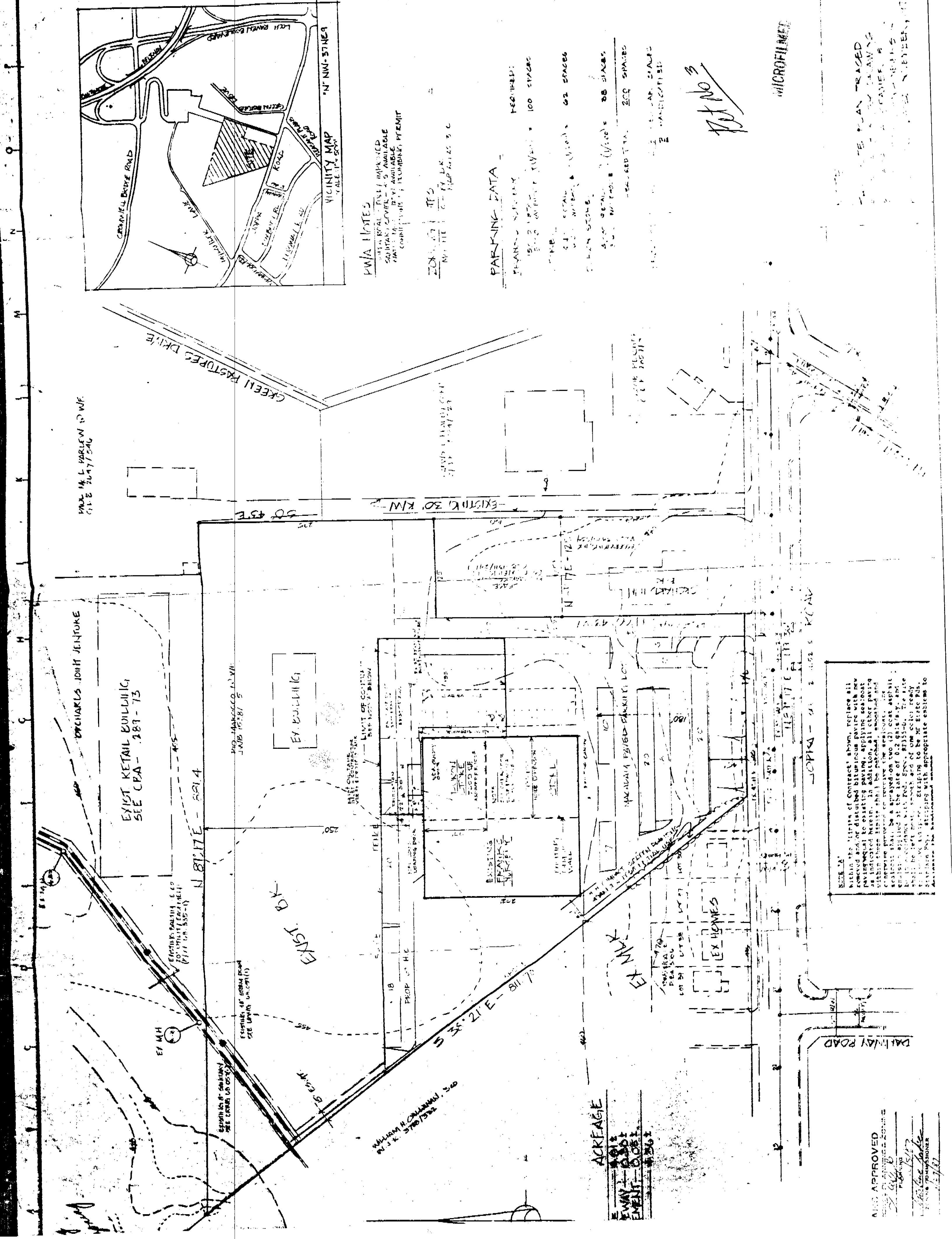
SURVEYORS CERTIFICATE

1964

GWS

GEORGE WILLIAM STEPHENS, JR. A
JOHN ENGINEERS & LAND SURV
NATIONAL

ASSOCIATES, INC.
DOES
DATE OF ORDER IS MAY 20 1968



NOTE: A. Within the "Tie-in of Contract" shown, replace all removed and/or disallowed bituminous pavements with new pavements of existing type, applying sealcoat and/or surface dressing as indicated herein. In addition, all other paving within these limits, including sealcoat and/or surface dressing, shall be done concurrently with the replacement of the removed and/or disallowed bituminous pavements. The replacement of the removed and/or disallowed bituminous pavements shall be a brand-on-two (2) coat asphalt emulsion, applied at the rate of 0.2 gal./sq. ft. and shall be accepted with P.D. Spec. #3155-0. The new sealcoat and/or surface dressing shall be applied to the existing bituminous pavements and shall be accepted with appropriate entries to the Division of Highways Specifications Manual.

AND APPROVED
J. G. [Signature]
PLANNING
1/15/72
[Signature]
TREASURER

Microfilm

Det no 3

PARKING DATA

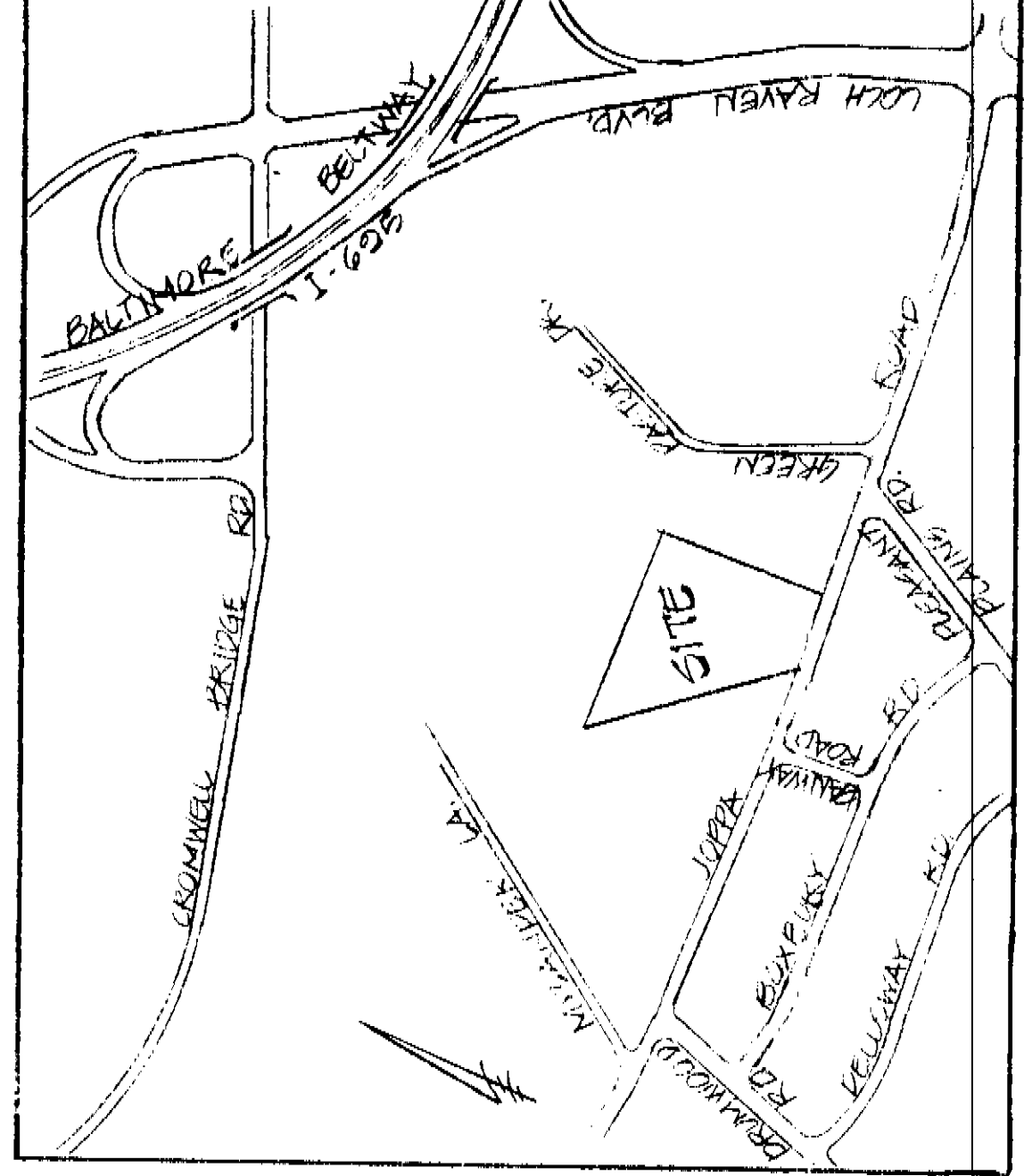
$$\frac{20 \times 10^7}{\text{N} \cdot \text{m}} = \frac{\pi F S}{C - \pi L R}$$

FW/A NOTES

VICINITY MAP
SCALE: 1" = 500'

ACREAGE	
EWING	0.012
EWING	0.001
EWING	0.051
EWING	0.006
EWING	0.006

REFERENCE: Deed dated September 16, 1974 between PIO MARCOCCO, JR. et al and ROTZLER - EMORY JOPPA LIMITED PARTNERSHIP recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5478 folio 835.



GENERAL NOTES

1. AREA OF TRACT 4.305 AC
2. BUILT DIST. 4
3. COUNCILMANIC DIST. 4
4. EXISTING USE AS SHOWN
5. PROPOSED USE NO CHANGE
6. PARKING REQUIRED 314 PS
7. PARKING EXISTING 134 PS
8. PARKING PROVIDED 156 PS WITH REPAIRING
9. ALL IMPROVEMENT ARE EXISTING

PARKING TABULATION

RETAIL BUILDING: 43,032 SF @ 1/200 = 215.16 PS REQ.
SEASONAL GREEN HOUSE: 3,958 SF @ 1/200 = 19.79 PS REQ.
OUTSIDE RETAIL: 15,700 SF @ 1/200 = 78.50 PS, REQ.
TOTAL PARKING REQUIRED = 313.45
= 314 PS.

VARIANCES REQUESTED

1. FROM SEC. 250.2 TO PERMIT A SIDE YARD OF 20' IN LIEU OF 30'.
2. FROM SEC. 250.1 AND/OR 250.2 TO PERMIT A FRONT AND/OR SIDE YARD OF 23' IN LIEU OF 40' AND/OR 30'.
3. FROM SEC. 301.1A TO PERMIT A ONE STORY OPEN PROJECTION INTO A YARD 100% IN LIEU OF 25% OF THE MINIMUM DEPTH OR WIDTH OF THE YARD.
4. FROM SEC. 230.2 TO PERMIT A DISTANCE OF 35' BETWEEN BUILDINGS IN LIEU OF 60'.
5. FROM SEC. 409.1A TO PERMIT 156 PARKING SPACES IN LIEU OF THE REQUIRED 315 PARKING SPACES.

SPECIAL HEARING

TO DETERMINE THE LEGAL NON-CONFORMING STATUS OF THE RETAIL SALES AREA IN THE M.L.R. ZONE. ORIGINALLY APPROVED AS BEING IN A BR. ZONE.

PLAT TO ACCOMPANY ZONING PETITIONS FOR VARIANCES & A SPECIAL HEARING

MICROFILMED

IMPROVEMENTS DRAWING
1524 EAST JOPPA ROAD

BALTIMORE CO., MD. ELECT. DIST. 9
DATE: SEPTEMBER 15, 1994
REVISED: SEPTEMBER 23, 1994
SCALE: 1 INCH = 50 FEET

GC PN 7743

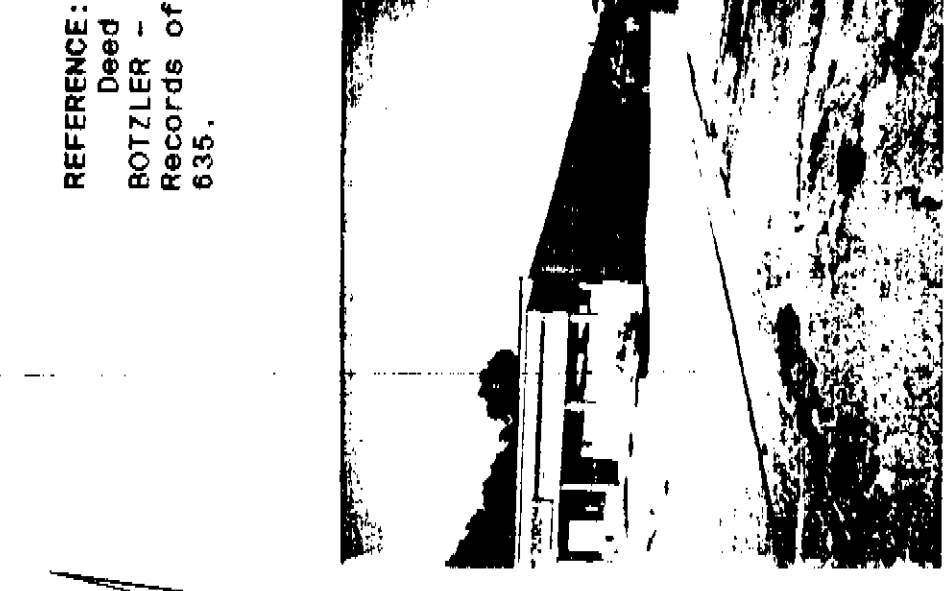


PHOTO A

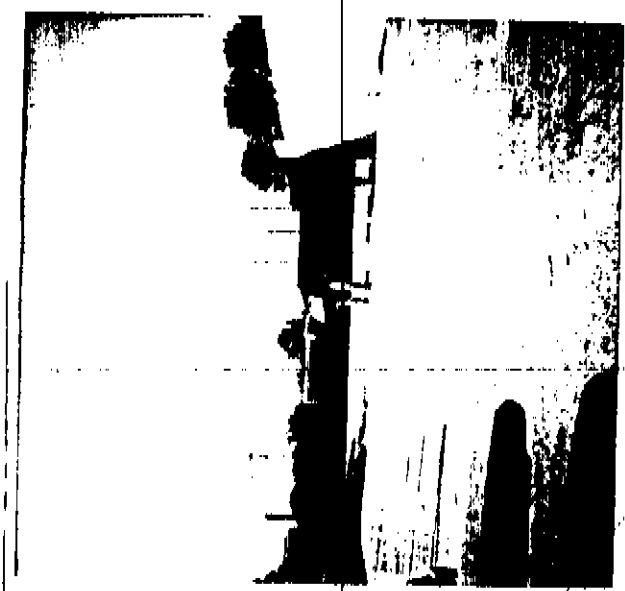


PHOTO B



PHOTO C

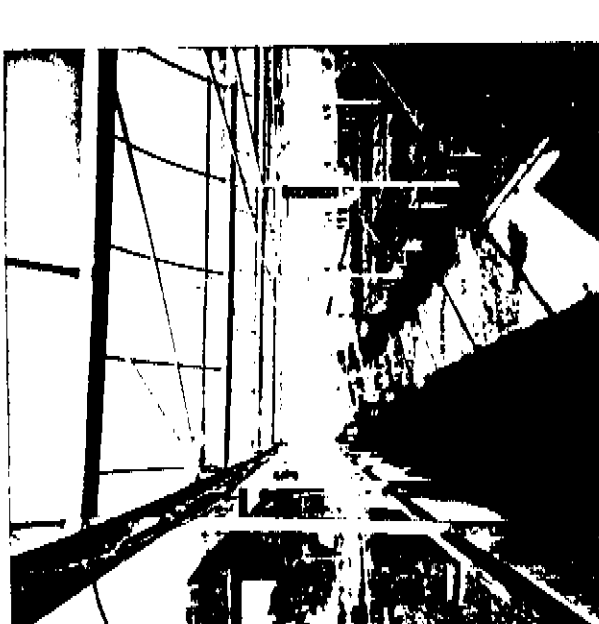


PHOTO D

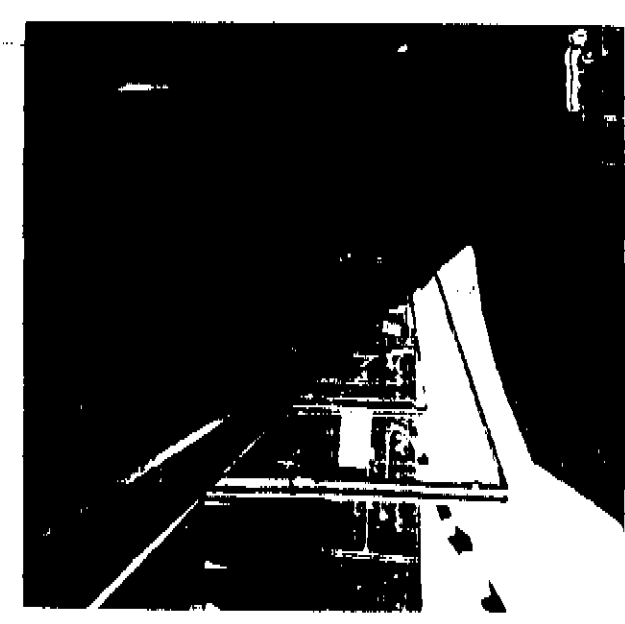


PHOTO E

PHOTO F



PHOTO G

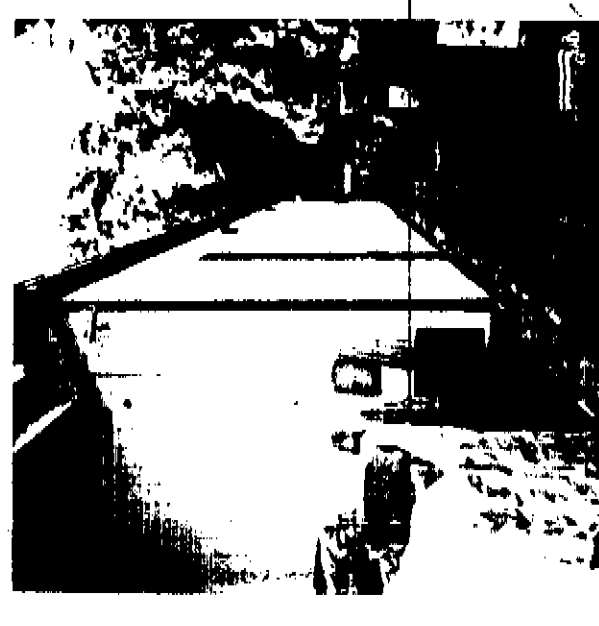
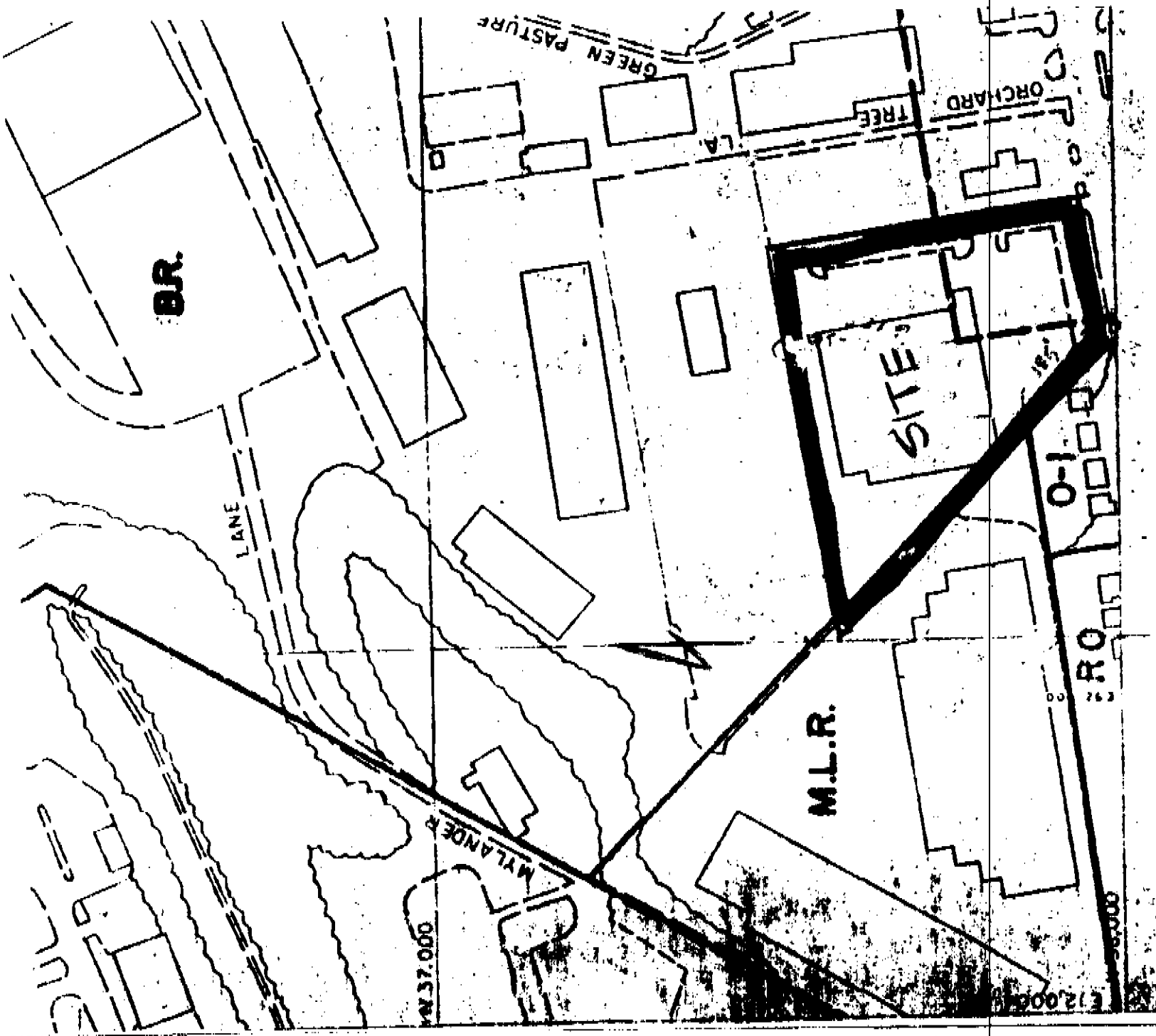


PHOTO H



P/O 200 SCALE 1992 ZONING MAP NE.10C

OWNER
BOTZLER-EMORY
JOPPA LIMITED PARTNERSHIP
C/O EMORY HILL MANAGEMENT CO. INC.
10 CORPORATE CIRCLE, SUITE 300
NEW CASTLE, DE. 19720

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
655 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-6120



J.S. Kline

95-172-SPH 17